

REMARKS

Claims 1 to 9 were pending at the time of examination. Claims 1 to 3 and 7 to 9 stand allowed. Claims 4 to 6 stand rejected as directed to non-statutory subject matter.

Claims 4 to 6 stand rejected under § 101 because according to the Office, the claims are directed to non-statutory subject matter. Applicants note that the action interprets "tangible" as requiring that the computer readable media can be touched. A signal cannot be touched and so according to the Office's own claim interpretation, a signal is not within the scope of these claims. Applicants also note that the rejection cites to paragraph [0018] as justification for the rejection. However, Paragraph [0018] fails to support the interpretation in the action.

Nevertheless, to move prosecution forward, Applicants have reviewed the specification and have deleted the description of a computer readable media as encompassing a carrier wave and thereby narrowed the description of a computer readable media. Accordingly, descriptions of a computer readable media in the specification are, in fact, to only tangible computer readable media. See for example, Paragraphs [0076] and amended paragraph [0108] above. Thus, when each of Claims 4 to 6 is interpreted in view of the specification, each claim recites statutory subject matter. Applicants request reconsideration and withdrawal of the § 101 rejection of each of Claims 4 to 6.

If the Examiner's action is other than allowance of Claims 4 to 6, the Examiner is requested to telephone Applicants' attorney so that the basis for the rejection can be more clearly understood and claim amendments discussed.

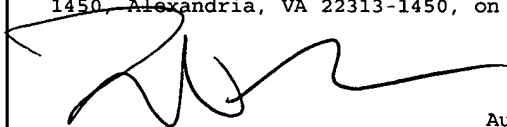
//  
//  
//  
//

Appl. No. 10/040,293  
Amdt. dated August 14, 2008  
Reply to Office Action of May 14, 2008

Claims 1 to 9 remain in the application. Claims 10 to 18 have been cancelled. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

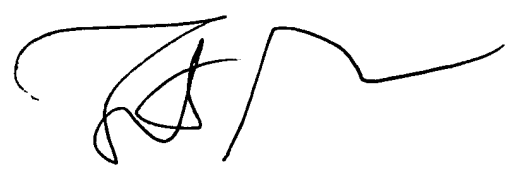
**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 14, 2008.

  
\_\_\_\_\_  
Attorney for Applicant(s)

August 14, 2008  
Date of Signature

Respectfully submitted,

  
Forrest Gunnison  
Attorney for  
Applicant(s)  
Reg. No. 32,899